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Attorneys for Defendant CHW GROUP, INC.

**UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF OREGON**  
**PORTLAND DIVISION**

REBECCA PRESTON,

Plaintiff,

v.

CHW GROUP, INC., D/B/A/ CHOICE  
HOME WARRANTY,

Defendant.

**Case No.: 3:19-cv-00048-AC**

**STIPULATED MOTION TO EXTEND  
TIME TO RESPOND TO FIRST  
AMENDED COMPLAINT**

**LR 7.1 CERTIFICATION OF CONFERRAL**

In accordance with LR 7-1(a), the Parties hereto have conferred regarding this Motion and are in agreement to extending the time for Defendant CHW Group, Inc. (“Defendant”) to respond to Plaintiff Rebecca Preston’s (“Plaintiff”) First Amended Complaint filed February 8, 2019 (Dkt. 9) in the above-captioned matter.

## **MOTION**

Pursuant to Fed. R. Civ. P. 16(b)(4), the parties hereby stipulate and jointly move the Court for an order extending the time for Defendant to respond to Plaintiff's First Amended Complaint (ECF No. 9, "FAC"), filed by Plaintiff on February 8, 2019, by two weeks, from February 22, 2019 **to and including March 8, 2019.**

## **STATEMENT OF GOOD CAUSE**

Good cause exists for granting the instant Motion and extending the time for Defendant to respond to Plaintiff's FAC for the following reasons: Counsel for Plaintiff and Defendant have met and conferred extensively and in good faith regarding the FAC, and they have discussed, among other things, possibly reaching an extra-judicial resolution of the parties' dispute and/or submitting this matter to arbitration, either of which may obviate the need for Defendant to respond to the FAC. So that the parties can see those discussions through to their natural conclusion, and for the sake of judicial and party economy, the parties have stipulated and agreed to extend Defendant's deadline to respond to the FAC, which is currently set for February 22, 2018, by a period of two weeks, to and including March 8, 2019. Moreover, the extension is not being sought for the purpose of delay, and granting it will not prejudice any party to this action, as all parties are in agreement.<sup>1</sup>

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<sup>1</sup> By this Motion, Defendant does not waive any objections or defenses to the FAC, or any other rights available to it under applicable law, including the right to compel arbitration if necessary. The parties have agreed to be bound by this stipulation pending Court approval of same.

WHEREFORE, for all of the foregoing reasons, the parties respectfully request that the instant Motion be granted and that Defendant's deadline to respond to the First Amended Complaint be extended **to and including March 8, 2019**.

Dated February 20, 2019.

s/Sharon D. Cousineau<sup>2</sup>  
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Attorneys for Defendant CHW GROUP, INC.

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<sup>2</sup> Authorization to file confirmed by email on February 19, 2019.

<sup>3</sup> Authorization to file confirmed by email on February 20, 2019.

### CERTIFICATE OF SERVICE

I hereby certify that on the date set out below, I served the foregoing **STIPULATED MOTION TO EXTEND TIME TO RESPOND TO FIRST AMENDED COMPLAINT** on:

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*Attorney for Plaintiff*

- by **electronic** means through the Court's Case Management/Electronic Case File system, which will send automatic notification of filing to each person listed above.
- ☐ by **mailing** a true and correct copy to the last known address of each person listed. It was contained in a sealed envelope, with postage paid, addressed as stated above, and deposited with the U.S. Postal Service in Portland, Oregon.
- ☐ by causing a true and correct copy to be **hand-delivered** to the last known address of each person listed. It was contained in a sealed envelope and addressed as stated above.
- ☐ by causing a true and correct copy to be delivered **via overnight courier** to the last known address of each person listed. It was contained in a sealed envelope, with courier fees paid, and addressed as stated above.
- ☐ by **emailing** a true and correct copy to the last known email address of each person listed, with confirmation of delivery.

Dated: February 20, 2019.

**OGLETREE, DEAKINS, NASH, SMOAK &  
STEWART, P.C.**

By: s/ Kai Jones  
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CERTIFICATE OF SERVICE

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